

REMARKS

Entry of the amendments noted above and favorable reconsideration and allowance of this application are requested.

1. Discussion of Claim Amendments

By way of the amendment instructions above, claim 15 has been amended so as to include therein the substance of prior claim 17. Thus, claim 15 now defines that the composition comprises at least one alkali metal, ammonium or alkaline earth metal salt of a linear saturated aliphatic dicarboxylic acid having 4 to 12 carbon atoms. Claims 16 and 17 have been canceled as redundant.

It will also be noted that claim 15 and several of the dependent claims therefrom have been revised as to form so as to improve claim syntax.

Therefore, following entry of this amendment claims 15 and 18-23 will remain pending in this application for which favorable reconsideration and allowance is requested.

2. Response to 35 USC §102/103 Rejection

Prior pending claims 15-23 attracted a rejection under 35 USC §102(b) as allegedly anticipated by or in the alternative under 35 USC §103(a) as obvious over WO 01/05906 ("WO '906"). Applicants respectfully disagree.

In this regard, as to the alleged anticipation of the pending claims, applicants note that the only dicarboxylic acid component that appears to be disclosed in WO '906 is sebacic acid in the Examples 1-4. However, sebacic acid is employed in very minor amounts, i.e., an amount less than about 1 wt.% of the formulation, in each of the Examples as shown by the table below.

Content (g)	Ex. 1	Ex. 2	Ex 3	Ex. 4
H ₂ O*	725	890	1000	890
KOH	320	115	-	115
HCOOH*	335	134	-	134
2-ethylhexanoic acid	13	16.2	16.2	13
sebacic acid	1	1.26	1.26	1
tolyltriazole	0.8	1.0	1.0	0.8
NaOH	4	4	4	4
Na propanoate	-	200	-	200
HCOOK	-	-	400	-
Sum ca.	1400	1360	1420	14.75
wt.% sebacic acid ca.	0.1	0.1	0.1	0.1

*calculated as liquid, i.e., sum of volumina = 1000ml

Thus, since the subject invention as defined by the pending claims here requires the presence of 10 to 50 wt.% of at least one alkali metal, ammonium or alkaline earth metal salt of a linear saturated aliphatic dicarboxylic acid having 4 to 12 carbon atoms, WO '906 cannot possibly be an anticipatory reference under 35 USC §102(b) for at least this reason.

Nor can WO '906 render obvious the present invention under 35 USC §103(a). In this regard, the amended version of the pending claims renders the same commensurate with the data in the originally filed specification. Thus, for the reasons advanced in the applicants' responsive amendment dated July 29, 2008 (which reasons are incorporated by reference herein), applicants suggest that the comparisons made between compositions which embody the present invention and a composition of WO '906 establish the patentability of the former over the latter.

Therefore, withdrawal of the rejection under WO '906 to the extent that it is based on 35 USC §103(a) is likewise in order.

Allowance of pending claim 15 and claims 18-23 dependent therefrom is therefore solicited.

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4. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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